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which came in collision with another ship. He summoned assistance by means of the wireless "C. Q. D." message, and ultimately saved all the passengers. This incident became one of widespread notoriety and general interest. Shortly after, a moving picture concern placed on the market films entitled "C. Q. D., or Saved by Wireless," using the name of Jack Binns on them, together with a pictorial representation of him, without his consent. He brought suit to restrain them from using the films and to recover damages for the unauthorized use thereof. In *Binns v. Vitagraph Co. of America*, 124 New York Supplement, 515, the New York Supreme Court held that he was entitled to an injunction and damages, under section 51 of the civil rights law, prohibiting the use for advertising purposes, or for purposes of trade, of the name, portrait or picture of any living person without consent of the person.

Infection of a Building with Smallpox Is Waste.—Waste is the omission of duty touching real estate by one rightfully in possession, which results in its substantial injury, so that the premises cannot revert to those having an underlying interest undeteriorated by any willful or negligent act. Without plaintiff's consent the mortgagor of certain buildings leased them to the defendant board of health for use as a hospital for smallpox patients. Plaintiff, the mortgagee, brought action for waste. The Supreme Judicial Court of Massachusetts in *Delano v. Smith*, 92 Northeastern Reporter, 500, holds that while the supposed diminution of the value of property resting on sentimental grounds arising from the dictates of custom or taste cannot constitute waste, yet the infection of a building with smallpox, so that it cannot be used for the purpose intended, will be waste, unless it can be shown that such injury may be obviated, by disinfection or otherwise, without material physical change in the building.

A Mortgage Debt Is Not Personalty.—It was held by the Court of Appeals of England in *In re Hoyles* (Dec. 7, 1910), *Cozens-Hardy, M. R.*, delivering the opinion of the court, that a mortgage debt secured by land is to be regarded not as a movable, but as an immovable. The court cited with approval *Story on Conflict of Laws*, § 447 and *Dacey's Conflict of Laws* (1st Ed.), p. 73.

Doctrine in Turntable Cases.—The Supreme Court of Arkansas has extended the protection of the turntable doctrine (repudiated by the Supreme Court of Virginia) to dumb animals. It was held in *St. Louis, etc., R. Co. v. Newman* (Ark.), 127 S. W. 735, 28 L. R. A., N. S., 83, and note, that a railroad company which permits a leaky oil car to stand near where cattle are rightfully accustomed to graze along a highway and its unfenced track, so that the oil forms pools, the drinking of which will be injurious to the cattle, is bound to guard the